

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

IN RE:	JAY AUBREY MILLER,	)	
	SHIRLEY ANN MILLER,	)	
		)	CASE NO. 15-11394
	DEBTOR.	)	Chapter 7
		)	
	ALLY FINANCIAL, INC.,	)	
		)	
	PLAINTIFF,	)	
		)	
vs.		)	ADVERSARY NO. 15-01236
		)	
	JAY AUBREY MILLER,	)	
	SHIRLEY ANN MILLER,	)	
	J. MILLER TRUCKING, INC.,	)	
	DEBORAH H. HUPFER,	)	
	COLLATERAL SERVICES OF	)	
	INDIANA, INC.,	)	
	FENNER AND ASSOCIATES,	)	
	BRIAN FENNER, AND	)	
	FRANCIS LENNEX,	)	
		)	
	DEFENDANTS.	)	

PLAINTIFF'S RULE 26 DISCLOSURES

Plaintiff, Ally Financial Inc. ("Ally"), for its disclosures pursuant to by Local Rule 7016(b) and Fed. R. Bankr. P. 7026, hereby submits the following information to the Court and Defendants:

For the purposes of these disclosures, the Defendants Collateral Services of Indiana, LLC, Fenner & Associates, Brian Fenner and Francis Lennix are referred to as the "Indiana Defendants".

- (i) the name and, if known, the address and telephone number of each individual likely to have discoverable information — along with the subjects of that information — that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:

Corporate Representative of Ally Financial Inc.  
c/o Brian J. Rayment  
7666 East 61<sup>st</sup> St., suite 550  
Tulsa, OK 74133  
Telephone: (918) 294-0047  
Email: brayment@kivell.com

Information: Plaintiff's interest in the subject vehicle and account, Claims against Defendants, disposition of vehicle, and damages. Information about Defendants Collateral Services of Indiana, LLC, Fenner & Associates, Brian Fenner and Francis Lennix' business practices and affiliates. Indiana Defendants' violation of the automatic stay. Communications with Defendants.

Jay Aubrey Miller  
c/o B. David Sisson  
Law Offices of B. David Sisson  
224 W Gray Suites 101/P O Box 534  
Norman OK 73070-0534  
Telephone No. 405.447.2521  
Email [sisson@sissonlawoffice.com](mailto:sisson@sissonlawoffice.com)

Information: How Defendant Miller came in contact with the other Defendants, disposition of the subject motor vehicle and other collateral pledged to secured creditors – property of the estate, payment by the Indiana Defendants of bankruptcy related attorney's fees, information about Defendants Collateral Services of Indiana, LLC, Fenner & Associates, Brian Fenner and Francis Lennix' business practices. Communications with Ally and other Defendants.

Shirley Ann Miller  
c/o B. David Sisson  
Law Offices of B. David Sisson  
224 W Gray Suites 101/P O Box 534  
Norman OK 73070-0534  
Telephone No. 405.447.2521  
Email [sisson@sissonlawoffice.com](mailto:sisson@sissonlawoffice.com)

Information: How Defendant Miller came in contact with the other Defendants, execution of vehicle transportation and storage agreements, reasons for the execution of such agreements, disposition of the subject motor vehicle and other collateral pledged to secured creditors – property of the estate, payment by the Indiana Defendants of bankruptcy related attorney's fees, information about Defendants Collateral Services of Indiana, LLC, Fenner & Associates, Brian Fenner and Francis Lennix' business practices. Communications with Ally and other Defendants.

Corporate representative of Miller Trucking, Inc.  
c/o Jay Aubrey Miller and Shirley Ann Miller  
Also c/o B. David Sisson  
Law Offices of B. David Sisson  
224 W Gray Suites 101/P O Box 534  
Norman OK 73070-0534  
Telephone No. 405.447.2521  
Email [sisson@sissonlawoffice.com](mailto:sisson@sissonlawoffice.com)

Information: How Defendant Miller Trucking came in contact with the other Defendants, execution of vehicle transportation and storage agreements, reasons for the execution of such agreements, disposition of the subject motor vehicle and other collateral pledged to secured creditors – property of the estate, payment by the Indiana Defendants of bankruptcy related attorney's fees, information about Defendants Collateral Services of Indiana, LLC, Fenner & Associates, Brian Fenner and Francis Lennix' business practices. Communications with Ally and other Defendants.

Deborah Hoover-Hupfer  
c/o Jerry D. Brown  
Jerry D. Brown, P.C.  
5500 N. Western, Suite 150  
Oklahoma City, OK 73118  
Telephone: (405) 841-1000  
Email: [jdbrownpc@sbcglobal.net](mailto:jdbrownpc@sbcglobal.net)

will testify as to the facts and circumstances giving rise to the causes of action complained of in the adversary proceeding.

Information: How Defendant Deborah Hoover-Hupfer came in contact with the other Defendants, execution of vehicle transportation and storage agreements, reasons for the execution of such agreements, disposition of the subject motor vehicle and other collateral pledged to secured creditors –

property of the estate, payment by the Indiana Defendants of bankruptcy related attorney's fees, information about Defendants Collateral Services of Indiana, LLC, Fenner & Associates, Brian Fenner and Francis Lennix' business practices. Communications with Ally and other Defendants.

Representatives of Collateral Services of Indiana, LLC  
c/o Stephen A Harry, OBA #20499  
4101 Perimeter Center Dr. Suite 110  
Oklahoma City, OK 73102  
Telephone: (405) 384-8746  
Email: [stephenaharry@sahlawoffice.com](mailto:stephenaharry@sahlawoffice.com)

Information: Information about Defendants Collateral Services of Indiana, LLC, Fenner & Associates, Brian Fenner and Francis Lennix' business practices and affiliates. Agreements with Debtors, payments of Debtor's attorneys' fees, Disposition of Ally's collateral and property of the estate, violation of the automatic stay, and actions against Indiana Defendants related to their business practices. Communications with Ally and other Defendants.

Representatives of Fenner & Associates  
c/o Stephen A Harry, OBA #20499  
4101 Perimeter Center Dr. Suite 110  
Oklahoma City, OK 73102  
Telephone: (405) 384-8746  
Email: [stephenaharry@sahlawoffice.com](mailto:stephenaharry@sahlawoffice.com)

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Brian Fenner  
c/o Stephen A Harry, OBA #20499  
4101 Perimeter Center Dr. Suite 110  
Oklahoma City, OK 73102  
Telephone: (405) 384-8746  
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Francis Lennix  
c/o Stephen A Harry, OBA #20499  
4101 Perimeter Center Dr. Suite 110  
Oklahoma City, OK 73102  
Telephone: (405) 384-8746  
Email: stephenaharry@sahlawoffice.com

Information: Information about Defendants Collateral Services of Indiana, LLC, Fenner & Associates, Brian Fenner and Francis Lennix' business practices and affiliates. Agreements with Debtors, payments of Debtor's attorneys' fees, Disposition of Ally's collateral and property of the estate, violation of the automatic stay, and actions against Indiana Defendants related to their business practices. Communications with Ally and other Defendants.

(ii) a copy — or a description by category and location — of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

1. Plaintiff's records pertaining to its account with Defendants Millers and the collateral associated therewith (at Ally)
2. Indiana Bureau of Motor Vehicles records (at Indiana Bureau of Motor Vehicles and in possession or Indiana Defendants)

3. Defendants' sales records as to the subject vehicle and other collateral obtained in contemplation of bankruptcy or after a bankruptcy filing and sold thereafter by the Indiana Defendants (at Indiana Defendants)
4. Communications between Defendants (at Defendants' offices)
5. Communications between Defendants and Ally (at Defendants' and Ally's offices)
6. Indiana Defendants' records pertaining to disposition of vehicles in violation of the automatic stay. (at Indiana Defendants)
7. Indiana Defendants' marketing records. (at Indiana Defendants)
8. Defendant Millers' bankruptcy filings and schedules. (at Bankruptcy Court and Defendant Millers and Hupfer).

(iii) a computation of each category of damages claimed by the disclosing party — who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

Plaintiff's damages are computed based upon the loss of its collateral and the value of that collateral. They are also based upon the sales proceeds obtained by the Indiana Defendants for the disposition of the subject vehicle in violation of the automatic stay. Plaintiff's damages as to the subject vehicle only amount to \$39,025.44, plus accrued finance charges from January 28, 2015 at 4.69% per annum, costs and attorneys' fees.

(iv) for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Plaintiff has no such insurance.

*s/ Brian J. Rayment*

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Brian J. Rayment, OBA #7441  
KIVELL, RAYMENT & FRANCIS, P.C.  
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Tulsa, OK 74133  
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Email: Brayment@kivell.com

*Attorneys for Plaintiff*

**CERTIFICATE OF MAILING**

I hereby certify that on this 17<sup>th</sup> day of December, 2015, a true and correct copy of the above and foregoing instrument was served using the Court's ECF System upon the following parties:

Jerry D. Brown on behalf of Defendant Deborah Hoover Hupfer, c/o  
jdbrownp@sbeglobal.net, jdbrown341@sbeglobal.net; jdbrown@oklahoma.net

Stephen A Harry on behalf of Defendants FENNER AND ASSOCIATES, COLLATERAL  
SERVICES OF INDIANA, LLC, BRIAN FENNER, FRANCIS LENNEX, c/o  
stephenaharry@sahlawoffice.com, steveharry@yahoo.com

B David Sisson on behalf of Defendants Aubrey Jay Miller and  
Shirley Ann Miller, c/o sisson@sissonlawoffice.com

and via US Mail, postage prepaid to:

J Miller Trucking, Inc.  
127 Sooner Rd  
Shawnee, OK

*s/ Brian J. Rayment*

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Brian J. Rayment